

CORRIGENDA

In the *Haryana Government Gazette* dated November, 10, 1970, Part I, Page 1021, under Buildings and Roads Branch, Rohtak Circle, Noti-

fication No RMC/17/30, dated the 27th October, 1970, third para, first line, please read the word 'Haryana' instead of 'Punjab' and also in the specification, under heading Area in acres, please read the figure as 'O. 19' instead of 'O. 9'

PUBLIC WORKS DEPARTMENT**PUBLIC HEALTH BRANCH**

The 18/19th January, 1971

No. 223-PWIII(I)-71/1365.—On his promotion as Sub-Divisional Engineer, Shri Ved Parkash Gupta has taken over the charge of Gurgaon Public Health Sub-Division on the 4th November, 1970 (forenoon).

the 18th/19th January, 1971

the 18th/21st January, 1971

No. 223-PWIII(I)-71/1359.—On his promotion as Sub-Divisional Engineer Shri Roshan Lal Talwar, has taken over the charge of Public Health Sub-Division Faridabad on the 10th November, 1970 (forenoon).

No. 223-PWIII(I)-71/1361.—On his promotion as Sub-Divisional Engineer Shri Des Raj Sethi has taken over the charge of Public Health Sub-Division Palwal from 6th November, 1970 (forenoon).

The 19th January, 1971

No. 55-PWIII(I)-71/1341.—Consequent upon his promotion to the rank of Executive Engineer Shri O. P. Chadha has taken over the charge of Public Health Division Ambala with effect from 6th November, 1970.

No. 127-PWIII-71/1631.—Consequent on the acceptance of his resignation for the post of Sub-Divisional Engineer, Shri Nandinder Singh Kalsi relinquished the charge of the third Public Health Sub-Division Faridabad and Shri O. P. Junaja took over on the 4th November, 1970 (Forenoon).

B. L. AHUJA,

Commissioner for Education and Health,
and Secy. to Government, Haryana,
Public Health Department.

LABOUR DEPARTMENT

The 14th January, 1971

No. 12439-1-Lab-70/500.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Good Earth Engines (P) Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 32 of 1970

between

SHRI BHIM SINGH WORKMAN AND THE MANAGEMENT OF M/S GOOD EARTH
ENGINES (P) LTD., FARIDABAD

Present.—

Shri Onkar Parashad, for the workman.

Shri R. C. Sharma, for the management.

AWARD

Shri Bhim Singh was appointed as a Fitter in M/s Good Earth Engines (P) Ltd., Faridabad with effect from 23rd May, 1967 and a regular letter of appointment was issued in his favour. His supervisor made a report on 22nd October, 1968 that the workman had spoiled Five Cylinder Heads by removing excess material near the Chamber Portion while doing counter boring as a result of which the cylinder heads became totally useless and the company suffered a loss of about Rs 300. There was an other

complaint against him that he was avoiding work entrusted to him and was hardly doing one hours job in eight hours and at times behaviour was rude, rough, and quarrelsome with his supervisors and that he was intentionally giving low production. A domestic enquiry was held with regard to both these charges and his guilt is said to have been established except that rude behaviour was not established. Accordingly, — vide order dated 12th September, 1969 the workman was discharged from service. The workman is aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication, — vide Government Gazette Notification No. ID/FD/33/5145, dated 24th February, 1970.

“Whether the termination of services of Shri Bhim Singh was justified and in order. If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which the management filed a detailed written statement. A preliminary objection was taken that the workman concerned was discharged after proper and fair enquiry and therefore, the Industrial Tribunal could not take cognizance of the dispute. It was also pleaded that the reference was invalid because the workman himself never submitted a notice of demand and the reference had been made by the Government on the basis of a demand notice given by the General Secretary Engineering Mazdoor Union. Preliminary issues were framed to cover these objections and both these objections were found against the management, — vide order of this Tribunal dated 4th June, 1970. This order was duly communicated to the parties.

On merits the only issue which arose from the pleadings of the parties was precisely the same as in the order of reference. It was specifically ordered that the management could first prove the validity of the enquiry and failing that they could lead evidence on merits of the charges framed against the workman if they so desired. The management filed the record of the domestic enquiry. Neither party produced any evidence and arguments were heard on the question whether the enquiry was valid. During the course of the arguments the learned representative of the workman drew attention to the letter of appointment given to the workman which shows that he was appointed only as a fitter it was urged that Shri I. S. Bhagat, Tool Room Engineer on account of his personal enmity with the workman compelled him to do the job of a grinder and a driller for which he was neither a qualified nor appointed so that he may be able to dispense with his service. Thus, so far as the first charge is concerned the workman has not denied the charge that the job of removing the excess material from the cylinder heads given to him was spoiled by him. The defence which the workman has taken is that he was appointed as a fitter only and the job of removing the excess material from cylinder heads could not be entrusted to a fitter as he is not trained to do this job. The learned representative of the management controverted this suggestion and submitted that a fitter is qualified to do the job which was given to workman and further submitted that he had been previously doing more complicated jobs of drilling and grinding and the job of the counter boring operation of cylinder heads which was given to him was much simpler and he was competent to do the job but he negligently did not do this job properly and thus caused loss to the company. The Enquiry Officer did not determine as what exactly is the job for which a fitter is qualified. In the interest of justice, it was considered necessary to determine the nature of job for which the workman was qualified and expected to do as a fitter and other jobs entrusted to him before any opinion could be expressed on the subject matter of the dispute between the parties. Accordingly the following additional issue was framed.

“Whether the workman was qualified to do the job with which he was entrusted and he was previously doing more complicated jobs of this nature quite satisfactorily?”

In compliance with this order the management produced Shri I. S. Bhagat M.W. 1, their Tool Room Engineer and in rebuttal the workman Shri Bhim Singh himself appeared as a witness. Shri Bhagat is a qualified specialist from the Ministry of Defence School in tool engineering and has a Diploma in Machine Shop Engineering as also practical experience since 1961. Shri Bhagat says that he joined the respondent concern in November, 1968 and the workman Shri Bhim Singh is known to him quite well because he was appointed on his recommendations. Shri Bhagat further says that at the time of appointment Shri Bhim Singh represented that he was an I.T.I. trained fitter and could do the job of drilling and grinding satisfactorily and he was appointed because of these considerations. Accordingly to the evidence of Shri Bhagat the workman was entrusted with the job which required the work of a fitter involving drilling, tapering counter boring, grinding and other excess material removing work as encountered in different operations and that the work of Shri Bhim Singh was quite satisfactory for about six months i.e. till his confirmation. The evidence of Shri Bhagat in this respect is rather vague because he does not say what type of work was actually entrusted to Shri Bhim Singh during the period of six months during which he is supposed to have worked satisfactorily. The additional issue framed by the Tribunal required the management to prove not only that the workman was qualified to do the job of which was entrusted to him but also prove that he was doing the type of work given to him previously as well because the case of the management is that it was not for the first time that Shri Bhim Singh

was given the work of removing excess material from the valve guide seats of the cylinder heads. It would have been much better if the management had shown from the previous job cards of Shri Bhim Singh as to what was the type of work which he had been doing. Since neither party was able to prove as to what is the exact nature of job which a qualified fitter is expected to do and in order to set the matter at rest, Capt. Gurdev Singh, Principal of the local Industrial Training Institute was examined as a Court witness.

Shri Gurdev Singh has stated that a workman who is only trained as a fitter in an Industrial Training Institute can very well be entrusted with the job of removing excess material from valve holes by an operation known as "Chipping Off". The learned representative of the management submitted that so far he was concerned his purpose was served by this evidence of the expert. In my opinion the impression which the learned representative of the management has gathered from the evidence of Capt. Gurdev Singh is not correct because Capt. Gurdev Singh does not say that a fitter can be entrusted with the job of removing excess material from the valve seats with the help of a radial drill. On the contrary Capt. Gurdev Singh has specifically stated in his cross examination that the radial drill can be used by a machinist or a grinder and not by a fitter. The spoiled cylinder heads were shown to Capt. Gurdev Singh and he stated that they appeared to have been spoiled by excess drilling which was done by a power drill and not by a Chisel and hammer. He stated that to the naked-eye it appeared that a drill with a width of 3/8" used. Even in the Examination chief the witness admitted that it is not the job of a fitter to remove one or two millimeter excess material from the valve seats. The witness stated that this type of job can be done by a turner because this operation requires grinding of seats at an angle which has to be very accurate and this is the job of a machinist grinder. Thus in my opinion it is clearly established from the evidence of Capt. Gurdev Singh that a fitter is only qualified to remove excess material from valve holes by an operation known as chipping off and that he is not qualified to handle a radial drill etc. It appears that this position is not seriously contested on behalf of the management. Shri I. S. Bhagat, M. W. 1, Tool Room Engineer also realised that a workman who is trained as fitter only can not be entrusted with this type of job and that is why he stated that when Shri Bhim Singh was being considered for appointment, he assured him that he could do the job of drilling and grinding satisfactorily and he was appointed because of these considerations. In my opinion, therefore, it was essential for the management to prove that Shri Bhim Singh was fully competent to do the job of drilling and grinding at the time of his appointment and that he was entrusted with his type of job previously as well and he was doing it satisfactorily. The production register was produced before the Enquiry Officer in order to establish that the workman had been doing the job of grinding previously as well but there is no evidence that the workman has been handling the radial drill also. In my opinion, therefore, it is not satisfactorily established that the workman was either qualified to do the job of removing excess material from the valve seats with the help of a radial drill nor it has been established that he has been handling the radial drill previously and in my opinion the findings of the Enquiry Officer that the first charge is established is not based upon any evidence and his findings is perverse.

As regards the second charge it is in the evidence of Capt. Gurdev Singh that rough grinding of about 20 pieces of connecting rods can be done by an ordinary workman. According to the pleas taken by the management in their written statement Shri Bhim Singh completed only two connecting rods in a whole day on 16th December, 1968 and this was a job of only 45 minutes. It is alleged that the workman did not increase his production on 17th December, 1968 and on 18th December, 1968 he produced only three pieces which according to the management was hardly one hours job. On 19th December, 1968 it is alleged the workman concentrated on his job only for half a day and for the rest of the day he was sitting idle despite repeated instructions by his supervisor and on 20th and 21st December, 1968 his production was almost nil and he was neglecting his work.

With regard to low production the defence set up by the workman is that the management wanted to harass him and stop all chances of his promotion and that is why he was not given the job of fitter for which he was qualified and was appointed but in order to humiliate him he was given the work of rough grinding etc. only. Shri I. S. Bhagat has naturally denied this suggestion and has stated that they have about 6 or 7 workmen who are designated as fitters but due to sale problems none of them is doing the whole time job of a fitter and their work has been diversified. During the Course of argument the learned representative of the management did not challenge this part of the statement of the witness. In my opinion a workman can not insist that he should only be given the job for which he is appointed and if no work of the type is available then he is entitled to sit idle and claim wages without doing any work. If the management do not get enough work of the type for which a workman is appointed they are entitled to get other type of similar jobs done from him, if he is competent to perform the same. It is not the allegation of Shri Bhim Singh that all other fitters are given the job for which they have been appointed and he alone has been picked out and given the job of rough grinding etc. in order to spoil his future.

The result of my findings above is that while the finding of the Enquiry Officer with regard to charge No. 1 has been held to be perverse, the findings with regard to charge No. 2 has been upheld. While directing the parties to produce their evidence it was specifically ordered that the management would be at liberty to prove in the first instance the validity of the enquiry and failing that they could lead evidence on merits. After hearing the argument of the parties the management were directed to

produce additional evidence on merits with regard to the first charge *vide* the order of this Tribunal dated 28th July, 1970. when the additional issue was framed. Since the finding of the Enquiry Officer have been up held on the second charge it is not necessary to give an opportunity to the management to produce evidence on merits with regard to this charge. But although the finding of the Enquiry Officer with regard to the second charge is being up held it does not mean that the guilt of the workman is established because while discussing the first charge it has been held that it is not a primary duty of the fitter to do the work of rough grinding etc. Such like jobs can only be incidental to his main job of a fitter. If the management did not have enough work to keep a fitter occupied whole time and their work had to be diversified on account of sale problems etc, then in fairness to the workman he should have given him an option of being retrenched from service. However as the workman is now nursing a grievance against Shri I. S. Bhagat, Tool Room Engineer under whom he has to work. I am of the opinion that it would not be in the interest of the smooth working of the respondent factory if he is thrown back on the technical ground that if management did not have enough work for a fitter the workman was not given an option of being retrenched from service. In my opinion, therefore, instead of directing reinstatement a compensation of Rs. 500/- for loss of service would meet the ends of justice. I give my award accordingly. No order as to costs.

Dated 9th November, 1970

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1843, Dated Faridabad, the 23rd December, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal Haryana.
Faridabad.

The 20th January, 1971

No. 278-I-Lab-70/1687.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Chopra Motors (P) Ltd., Murthal Adda, G. T. Road.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 58 of 1970

between

SHRI CHANDER SEKHAR PATHAK, WORKMAN AND THE MANAGEMENT OF M/S CHOPRA MOTORS (P) LTD., MURTHAL ADDA, G. T. ROAD

Present —

Shri M. S. Rathi, for the workman.

Shri B. L. Khanna, for the management.

A W A R D

Shri Chander Sekhar Pathak the workman concerned was in the service of M/s Chopra Motors (P) Ltd. Murthal Adda, G. T. Road, as a Darban (Chowkidar) on a permanent post getting Rs. 80/P. M. He was placed under suspension on 23rd October, 1969 and was dismissed from service on 30th October, 1969 which gave rise to an industrial dispute. He served the management with a demand notice where upon conciliation proceedings were initiated by the Labour-cum-Conciliation Officer, Sonapat but without any satisfactory result.

The Governor of Haryana was, therefore, pleased to refer this dispute for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of Sub-Section (1) of section 10 of the Industrial Disputes Act,

1947, vide order No. ID/RK/155-C/7355, dated 11th March, 1970, the question for determination being as given under :

"Whether the termination of services of Chander Sekhar Pathak was justified and in order. If not, to what relief is he entitled ?"

On receipt of the above reference usual notices were given to the parties. The workman filed his claim statement asking for his reinstatement with continuity of his previous service and back wages, contending that the order of his dismissal was illegal, wrong and *mala fide*. The management put in its written statement denying the above allegations of the workman. It was further pleaded that as a matter of fact the said workman had allowed one Shri Rajinder Singh, an unauthorised person to enter the factory premises and remain there even during night time and when asked to desist from such undesirable activities he had misbehaved towards the officers of the management in collaboration with the said outsider.

The following issue was framed in the case :—

"Whether the termination of services of Shri Chander Sekhar Pathak was justified and in order ? If not, to what relief is he entitled ?"

The management has examined the Works Manager Shri S. S. Kolhi,* M.W. 1 and the Manager Shri B. L. Khanna, M. W. 2. Copies of the report made to the police Ex. M.W. 1/1, order of the Sub-Divisional Magistrate, Sonapat, dated 26th December, 1969, discharging the respondent in the case under section 107/151 Cr. P. C., Ex. M.W. 2/1, copy of the suspension order dated 23rd October, 1969, Ex. M.W. 1/2 and copy of the final order of the dismissal of the workman concerned from service dated 27th October, 1969, Ex. M.W. 1/3, have been proved by the witnesses.

The workman has himself come into the witness-box as M.W. 1 and further examined his brother-in-law Shri Rajinder Singh, an ex-workman of the same concerned W.W. 2, who had allegedly been allowed to enter and remain in the factory premises without proper authority.

After the close of the above evidence of the parties the management has placed on record its Memorandum of Association and Articles of Association and also copy of a letter which purports to have been addressed by the Managing Director to Shri S. S. Kolhi, Works Manager on 27th October, 1969 confirming the disputed order of the dismissal of Shri Chander Sekhar Pathak from service.

I have heard the learned representatives of the parties at length and conceded the facts on record.

It is common ground between the parties that Shri Chander Sekhar Pathak was in the permanent service of M/s Chopra Motors (P) Ltd., Murthal as a Darban (Chowkidar) at Rs 80 per mensem and he was removed from service,—vide order dated 27th October, 1969, Ex. M.W. 1/3 passed by Sh. S. S. Kolhi, Works Manager. A perusal of the relevant provisions of the Memorandum of Association and the Articles of Association placed by the management on record would show that the Managing Director alone had the power to engage and dismiss from service the workers in the factory including Managers, Engineers, Assistants, Clerks and Labourers. He could, however, delegate these powers to other Directors, Managers, Agents or such other persons as he thought fit. In the instant case the workman concerned was dismissed from service not by the Managing Director (Shri L. N. Chopra) but by the Works Manager Shri S. S. Kolhi. The learned representative of the workman has strongly argued that Shri S. S. Kolhi, Works Manager was not competent to make any such order. On the other hand it has been urged on behalf of the management that Sh. S. S. Kolhi had passed the disputed order of the dismissal of the workman on the verbal authority of the Managing Director. The contention raised on behalf of the management appears to be without force and it is not substantiated by the facts on record.

As already observed the Memorandum of Association and the Articles of the Association did provide that the Managing Director could delegate his above powers to the other Directors, Managers or such other persons as he deemed fit. But the question which is of vital importance and arises for consideration in the present case is whether any such delegations of powers had been made by the Managing Director to Shri S. S. Kolhi, Works Manager to justify the dismissal from service of the workman concerned. From the perusal of the facts on record the answer to this question has to be in the negative.

In the first instance, no such plea was taken in the written statement filed on behalf of the management on 8th May, 1970 in response to the notice of the reference issued by this Tribunal. According to the statement of Sh. S. S. Kolhi, Works Manager, himself, the Managing Director Shri L. N. Chopra alone was competent to appoint and remove the workers but he could give the above authority to the other officers also if he liked and in answer to the court question he had deposed that he had only obtained verbal authority from the Manager to pass the dismissal order of the present workman. The learned representative of the management has invited my attention to a letter which purports to have been addressed by the Managing Director to the Works Manager Shri S. S. Kolhi on 27th October, 1969 confirming the order of the dismissal of Shri Chander Sekhar Pathak from service. This letter is obviously of no help to the management and can not be used against the workman. Further, it is noted that it was not placed on the record at the proper time and the workman had no chance to rebut this piece of evidence. Shri S. S. Kolhi, Works Manager has not referred to this document in his statement dated 9th September, 1970.

The very existence of this letter on that date is in a way belied by his statement as according to him there had been only a verbal authority obtained from the Managing Director to dismiss the workman from service. Moreover, Shri L. N. Chopra, Managing Director, has not come into the witness-box to prove this document. I would, therefore, refuse to place any reliance upon it.

From the facts of the case discussed above the conclusion is irresistible that Shri Chander Sekhar Pathak, the workman concerned, was dismissed from service by the Works Manager who was not his appointing or dismissing authority. According to the Memorandum and the Articles of Association governing the said concern, the Managing Director alone was competent to pass such an order in the absence of delegation of the powers by him to the Works Manager or any other officer which has not been established in the case.

On merits also, the management has no case to make out against the workman. The main charge against him was that he had allowed one Shri Rajinder Singh to enter and remain in the factory premises without authority and against the specific directions of the Works Manager. This Rajinder Singh according to the assertion made on behalf of the workman which stands un rebutted was not a stranger but his own brother-in-law. He was also in the service of the same concern and both had been living together in the same quarter on account of their closed relationship. Shri Rajinder Singh had also been removed from service by the management but on raising an industrial dispute he had been reinstated. Naturally, therefore, the management was not favourably inclined towards him.

The last though not the least important aspect of the present case which deserves consideration is that there was apparently no domestic enquiry held to establish the aforesaid charge of misconduct or misbehaviour against Shri Chander Sekhar Pathak in the discharge of his duties as a Chowkidar. The two officers examined on behalf of the management have nowhere deposed that any enquiry, as required by law was held after serving a proper charge-sheet upon the workman.

So, after giving my best consideration to the facts as made out from the record and discussed in details above, I am satisfied that the termination of the services of Shri Chander Sekhar Pathak was illegal, unjustified and not in order and as such he is entitled to reinstatement, with continuity of his previous service and full back wages. I give my award accordingly. There shall, however, be no order as to costs.

Dated 31st December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 1855, dated 31st December, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 31st December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 280-I-Lab-70/1689.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s K. B. Electrical Industries, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 70 of 1969

between

SHRI RAM MILAN WORKMAN AND THE MANAGEMENT OF M/S K.B. ELECTRICAL INDUSTRIES,
FARIDABAD

Present :

Shri Ram Milan with Shri H. R. Kapoor, for the workman.

Nemo for the management.

AWARD

Shri Ram Milan, an employee of M/s K. B. Electrical Industries, Faridabad, as a helper at Rs 87 per mensem since 1965, was discharged from service by the management on 13th May, 1969, which gave rise to an industrial dispute. He served the demand notice Ex. W.W. 1/1 on 30th July, 1969, whereon conciliation proceedings were initiated by the Labour-cum-Conciliation Officer, Faridabad, but without any satisfactory result.

The Governor of Haryana, was, therefore, pleased to refer the above dispute for adjudication to this Tribunal in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* Order No. ID/FD/360A/29667, dated 6th November, 1969, the question for determination being as given under :—

Whether the termination of services of Shri Ram Milan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were given to the parties; the workman filed his claim statement claiming reinstatement, with continuity of previous service and back wages, contending that he had been removed from service by the management without any justification. The management filed its written statement disputing the above claim of the workman with the allegation that as a matter of fact he had absented himself from duty from 14th May, 1969 onward without any leave or intimation to the management, and his name had, therefore, been struck off from the rolls on 31st May, 1969 and as such he was not entitled to the relief of reinstatement or back wages.

My learned predecessor framed the following issues in the case on 2nd December, 1969 :—

- (1) Whether the workman Shri Ram Milan is absent from duty from 14th May, 1969 onwards without any intimation to the management and his name was struck off on 31st May, 1969 on account of the long continued absence of the workman without any intimation ?
- (2) If the above issue is found in favour of the workman, whether the termination of services of Shri Ram Milan was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for evidence on 26th December, 1969. Shri Harish Gosain, Manager, made his statement to the effect that Shri Ram Milan workman had applied for leave for one day, i.e., 13th May, 1969,—*vide* Ex. M-1 which was sanctioned but thereafter he had absented himself and his name was, therefore, struck off from the rolls on 31st May, 1969 on account of his long and continued absence without intimation and without proper leave.

The case was then adjourned for the evidence of the workman. The management, however, elected not to appear and take part in the proceedings. The workman Shri Ram Milan has made a detailed statement that he joined service with M/s K. B. Electrical Industries, Faridabad, as a helper at Rs 85 per mensem towards the end of 1965 and has been discharging his duties satisfactorily. He was, however, not paid his wages for the months of March and April, 1969, which gave rise to a dispute and when he insisted for the payment of his wages the management got displeased and terminated his services with effect from 13th May, 1969, without any justification and without giving him any notice or charge-sheet. He has, further, proved the demand notice Ex. W.W. 1/1 and the claim statement Ex. W.W.1/2 made on his behalf. He has also categorically denied the pleas raised on behalf of the management that he had proceeded on leave on 13th May, 1969 and not turned up to join his duties thereafter. According to him he had applied for leave only in the month of April, 1969 to attend the marriage of his sister,—*vide* his application Ex. W.W.1/3. He has not admitted the correctness of the leave application, dated 13th May, 1969, Ex. M-1 referred to by the Manager in his statement.

I have heard the representative of the workman and carefully considered the facts on record. The management has not brought on record sufficient material to justify the order of the termination of the services of the present workman. The relevant attendance registered has not been produced and no evidence has been led in the case in corroboration of the statement of the Manager that the workman had absented himself from duty after taking leave for one day on 13th May, 1969. The workman has specifically denied this allegation. According to him he had taken leave only in the month of April to attend the marriage of his sister,—*vide* his application Ex. W.W.1/1. He has not admitted the application Ex. M-1 referred to in the statement of Harish Gosain, Manager and in the absence of necessary corroboration in this behalf, there is no reason to disbelieve his statement. There is no allegation that the management had served this workman with any charge-sheet or any enquiry had been held against him. The only plea of his long and continued absence from duty taken by the management has not been substantiated as already discussed, and there being no other charge or allegations against him, the management had manifestly no justification in terminating his services.

For the reasons aforesaid, both the issues are found in favour of the workman and against the management and he is entitled to reinstatement with continuity of his service and full back wages.

I give my award accordingly. There would be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1854, dated 31st December, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

B. L. AHUJA,
Commissioner for Labour and Employment.